

SEAL
BY ORDER OF THE COURT

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

FEB 02 2016

IN THE UNITED STATES DISTRICT COURT
FOR THE HAWAII

at 3 o'clock and 36 min. PM
SUE BEITIA, CLERK

IN THE MATTER OF THE SEARCH OF
INFORMATION ASSOCIATED WITH
MOBILE PHONE NUMBER 808-594-
8636 THAT IS STORED AT PREMISES
CONTROLLED BY VERIZON WIRELESS

Mag. No. 16-0099 KSC

Filed Under Seal

**APPLICATION FOR ORDER COMMANDING VERIZON WIRELESS
NOT TO NOTIFY ANY PERSON OF THE EXISTENCE OF WARRANT**

The United States requests that the Court order
Verizon Wireless not to notify any person (including the
subscribers and customers of the account(s) listed in the
warrant) of the existence of the attached warrant until further
order of the Court.

Verizon Wireless is a provider of an electronic
communication service, as defined in 18 U.S.C. § 2510(15),
and/or a remote computer service, as defined in 18 U.S.C. §
2711(2). Pursuant to 18 U.S.C. § 2703, the United States
obtained the attached warrant, which requires Verizon Wireless
to disclose certain records and information to the United
States. This Court has authority under 18 U.S.C. § 2705(b) to
issue "an order commanding a provider of electronic
communications service or remote computing service to whom a
warrant, subpoena, or court order is directed, for such period
as the court deems appropriate, not to notify any other person
of the existence of the warrant, subpoena, or court order." *Id.*

In this case, such an order would be appropriate because the attached warrant relates to an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation, and its disclosure may alert the targets to the ongoing investigation. Accordingly, there is reason to believe that notification of the existence of the attached warrant will seriously jeopardize the investigation or unduly delay a trial, including by: giving targets an opportunity to flee or continue flight from prosecution, destroy or tamper with evidence, change patterns of behavior, intimidate potential witnesses, or endanger the life or physical safety of an individual. See 18 U.S.C. § 2705(b). Some of the evidence in this investigation is stored electronically. If alerted to the existence of the warrant/court order, the subjects under investigation could destroy that evidence, including information saved to their personal computers.

WHEREFORE, the United States respectfully requests that the Court grant the attached Order directing Verizon Wireless not to disclose the existence or content of the attached warrant, except that Verizon Wireless may disclose the attached warrant to an attorney for Verizon Wireless for the purpose of receiving legal advice.

The United States further requests that the Court order that this application and any resulting order be sealed

until further order of the Court. As explained above, these documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation.

DATED: February 2, 2016, at Honolulu, Hawaii.

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